

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: April 2, 2010]²

Bill No. and sponsor: S. 2529 (Ms. Maria Cantwell of Washington).

Proponent name,³ location: Outdoor Industry Association, Boulder, CO.

Other bills on product (111th Congress only): None.

Nature of bill: Extension of temporary duty suspension through December 31, 2011.⁴

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$23/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32cm) designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50).

Check one: ☒ Same as that in bill as introduced.
 ☐ Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The bill covers men's footwear designed for rugged outdoor activities, such as hiking and trail running. Trail running shoes have nobbier and stiffer soles and are generally more rigid and protective than road running shoes. Under the revised article description, such footwear must be valued at over \$23/pair. The uppers are made with coated or laminated textile fabrics so that the shoes are waterproof or water resistant. China is the leading supplier of these imports. The general duty rate on such footwear if valued over \$20 per pair was suspended through the end of 2009 under HTS heading 9902.23.76.

¹ Industry analyst preparing report: Laura Rodriguez (202-205-3499); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor and proponent stated there are more than ten beneficiaries (numerous retailers and suppliers) of this bill.

⁴ Heading 9902.23.76 expired on December 31, 2009.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 6402.91.50:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	37.5%	37.5%	37.5%	37.5%	37.5%
Estimated value <i>dutiable</i> imports ^a	\$3,700,000	\$3,700,000	\$3,700,000	\$3,700,000	\$3,700,000
Customs revenue loss ^b	\$1,387,500	\$1,387,500	\$1,387,500	\$1,387,500	\$1,387,500

a/ Source of estimated dutiable import data: Commission estimates were based on trade data provided by the U.S. Department of Commerce and industry representatives.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Outdoor Industry Association (Proponent) Alex Boian, 303-444-3353	12/1/2009	No	No	No
American Apparel and Footwear Association Nate Herman, Vice President, 703-797-9062	12/1/2009	No	No	No
Columbia Sportswear Jeff Tooze, 503-985-4039	12/17/2009	No	No	No
Footwear Retailers and Distributors of America Matt Priest, 202-737-5660	11/30/2009	No	No	No
Marmot Mountain LLC Laura Miera, 707-544-4590	12/17/2009	No	No	No
Rubber and Plastic Footwear Manufacturers Assn. Mitchell J. Cooper, 202-331-1858	11/30/2009	No	No	No
VF Corporation/North Face Rafferty Jackson, 510-614-4088	01/5/2010	No	No	No
W.L. Gore & Associates Mike Ratchford, 302-292-4147	01/7/2010	No	No	No

Technical comments:⁵ None.

⁵ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

111TH CONGRESS
1ST SESSION

S. 2529

To extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2009

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CERTAIN MEN’S FOOTWEAR, VALUED OVER \$23/**
 2 **PAIR, WHOSE HEIGHT FROM THE BOTTOM OF**
 3 **THE OUTER SOLE TO THE TOP OF THE UPPER**
 4 **DOES NOT EXCEED 8 INCHES, WITH A COAT-**
 5 **ED OR LAMINATED TEXTILE FABRIC.**

6 (a) IN GENERAL.—Heading 9902.23.76 of the Har-
 7 monized Tariff Schedule of the United States (relating to
 8 certain men’s footwear, valued over \$23/pair, whose height
 9 from the bottom of the outer sole to the top of the upper
 10 does not exceed 8 inches, with a coated or laminated tex-
 11 tile fabric) is amended—

12 (1) by striking “\$20/pair” and inserting “\$23/
 13 pair”; and

14 (2) by striking the date in the effective period
 15 column and inserting “12/31/2011”.

16 (b) EFFECTIVE DATE.—The amendment made by
 17 subsection (a) applies to goods entered, or withdrawn from
 18 warehouse for consumption, on or after the 15th day after
 19 the date of the enactment of this Act.

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